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EXAMINER

SINGH, RACHNA

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/436,044
Filing Date: November 08, 1999
Appellant(s): CORELL ET AL.

Clinton Martin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/27/05 appealing from the Office action mailed 10/20/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,088,711

Fein et al.

07-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 18-25 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fein et al., US Patent 6,088,711, 7/11/00 (filed 7/1/97).

In reference to claims 1 and 21, Fein teaches a method for defining a style of a paragraph based upon the formatting properties of the paragraph. The paragraph has text comprising a plurality of words, which comprise one or more characters. Fein teaches that formatting properties include font size, font face, color, and other properties such as length of words or position of word. See column 3, lines 18-60. Compare to ***“receiving a formatted document. . .comprising a plurality of words. . .comprising one or more characters. . .defined by one or more font properties. . .defined by font properties of its characters. . .on one or more pages. . .each word having a fixed position relative to one of the one or more pages”***. Fein's method comprises the following:

- Analyzing different features of the paragraph to determine the paragraph type.
- The features may include features such as length of the paragraph, capitalization of the paragraph, and punctuation of the paragraph. It may further describe the

placement of the paragraph in the document. Determining the appropriate style to define for the paragraph to and applying a style to the paragraph. See column 3, lines 25-60. Compare to ***“partitioning the formatted text into a plurality of words on their respective pages, the font properties of the words, or both;”***.

- Determining various features of the paragraph to derive the elements that are assigned to the paragraph. Analyzing the font properties to determine characters styles and determining the length and position of the paragraph to determine its layout style. See column 3, lines 18-60 and column 4, lines 1-26. Determining the appropriate style to define the text by analyzing a number of features of the paragraph to determine a functional style. Compare to ***“assigning an element from a predefined set of markup language elements to each of two or more groups in the plurality of groups of words, the assigning being based on the fixed positions of the words relative to their respective pages, the font properties of the words, or both; after the element is assigned to each of two or more groups of words, deriving an element style comprising a character style, a layout style or both, the character style being derived from the font properties of the characters of the words in the two or more groups of words to which the element is assigned, and the layout style being derived from the text properties of the two or more groups of words to which the element is assigned”***.

- Applying the style to the paragraph to be displayed in an electronic system. See column 13. Compare to ***“creating an electronic document comprising a style sheet defining each of the element styles”***.

While Fein does not state “partitioning the formatted text”, he does teach dividing a document by paragraphs. The paragraphs are then used to determine the major formatting properties of the words in an effort to identify the style of the text. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to partition the document according to font properties of the words (see column 3, lines 35-36 and lines 45-48) OR the positions of words (see column 3, lines 59-61) since it was well known in the art at the time of the invention to partition a document in order to identify the type of the “group of words” (i.e. title, body, subhead, etc). See column 1, lines 42-53 and column 2, lines 1-31. As per the amendment and addition of the term “fixed position”, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein's system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to

identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a “fixed position” as font size, line number, line spacing, and font style are all features used to determine a word’s position. Furthermore it should be noted that the phrase “fixed positions of the words” is the paragraph defined by Fein.

In reference to claims 2 and 22, Fein teaches analyzing the position of the paragraph on a page according to indentation and its placement in determining what element to assign to the paragraph. See column 3. As stated above in reference to claim 1, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein’s system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a “fixed position” as font size, line number, line spacing, and font style are all features used to determine a word’s position.

In reference to claims 3 and 23, Fein teaches analyzing the font properties of a group of words and assigning an element based on the font properties. See column 3.

Fein teaches defining a style for a paragraph in a document layout program. He further states that a style can be matched to a different paragraph if it matches a previously defined style or create a newly defined style. See column 4, lines 13-25. Thus he is applying a style to more than one group.

In reference to claims 4 and 24, Fein teaches that assigning an element can be based on both font and position properties of the paragraph. See column 3. As stated above in reference to claim 1, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein's system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the "fixed" position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a "fixed position" as font size, line number, line spacing, and font style are all features used to determine a word's position.

In reference to claims 5-7 and 25, Fein teaches creating a specific functional style if the formatting properties of the paragraph do not match other formatting properties used

in the document. Furthermore, there is a limited number of styles to define the threshold. See columns 3-4.

In reference to claims 8-9, Although Fein does not specifically state the elements as a set of HTML or XML elements, Fein's system is not limited to any particular markup language. Fein teaches that logical formatting elements allow a document to be "styled". Thus Fein's system could be implemented using HTML or XML.

In reference to claim 10, Fein teaches the use of header and paragraph elements. See column 3.

In reference to claim 11, Fein teaches applying elements to the paragraph according to various features present. These elements could be chosen from amongst address elements, list elements, table elements and so on.

In reference to claims 12-13, Fein teaches character styles comprising font properties such as font style, font face, etc. See column 3.

In reference to claim 14, Fein teaches assigning a text property to the layout style. See column 3.

In reference to claim 15, Fein teaches that the text properties can be that of indentation, alignment and position. See column 3.

In reference to claim 18, Fein teaches considering the indentation or position of a paragraph on a page. See column 3.

In reference to claim 19, Fein teaches applying various styles to the paragraph. Fein's system would not be limited to any particular style sheet including that of XSL. See columns 1-2.

In reference to claim 20, Fein's system is used to provide an electronic document with element tags and style. Thus Fein's system teaches creating an electronic document which is a markup language version of the source document. See columns 1-3.

In reference to claim 30, Fein teaches a predefined style, see column 3, lines 29-31.

In reference to claims 31 and 32, Fein teaches that a character style includes a font property and a layout style can include a text property. See column 3, lines 24-65.

In reference to claim 33, Fein does not teach setting page margins; however, detecting and setting page margins would be useful in determining the style of certain text according to its position thus it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a detect and set margin feature.

In reference to claim 34, Fein teaches applying a style to a paragraph in an electronic system. It was well known in the art at the time of the invention to create an electronic document for presentation with a markup language, thus it would have been obvious to present the source document in a markup language version to be presented to the user.

(10) Response to Argument

Appellant argues Fein does not partition text into a plurality of groups of words, assign an element to two or more groups of words, and derive a style for the element based on the two or more groups of words. Appellant argues rather, Fein treats a paragraph as a single groups of words to define a style for it. Examiner respectfully

disagrees as Fein's method allows a previously defined style to be assigned to a second paragraph as well. A paragraph is comprised of a "group of words", thus a second paragraph is a "second group of words".

Appellant concedes that Fein does teach applying a style to multiple paragraphs; however, argues that the style is not derived for an element "after the element is assigned to each of two or more groups of words". Appellant further argues that Fein determines an appropriate style to define for a single paragraph based on the likely function of the paragraph in the document and further that if a style has not been defined previously, Fein creates the new style with the formatting properties of the paragraph but does not derive the style from multiple groups of words. Examiner disagrees because a paragraph is a "group of words" and further could comprise "multiple groups of words" coupled together. The term "two or more groups of words" is broad enough to encompass multiple sentences in a paragraph or two separate paragraphs. Thus if Fein teaches creating a new style with formatting properties of the paragraph, he is deriving a style with "two or more groups of words". Furthermore, Fein teaches determining whether a style has already been defined, if it has not, a newly defined style is created and stored. Fein teaches deriving a new style including all of the formatting properties. See column 4, lines 13-21. The new style can be applied to paragraphs that are subsequently created or edited. The style is derived from a predetermined set of text characteristics. For instance, if the paragraph is bold, italicized, or underlined, then the paragraph type is determined to be a heading. These element are a predetermined set of characteristics. Those characteristics are then

applied to a group of words to form a new style. This new style can then be applied to multiple paragraphs (groups of words). Appellant argues that this step does not entail “deriving an element style for the assigned element after the element is assigned to each of two or more groups of words.” However, an element style could be defined after the element is assigned to two or more groups of words (or paragraphs) in *Fein*. For instance, in *Fein* it is indeed possible for an element (i.e. a header) to be assigned to two separate paragraphs but a style for the header to be derived after a header has been assigned to at least two paragraphs. In columns 11-12, *Fein* teaches that an appropriate style for a paragraph can be defined by determining whether the paragraph type is a header or body text, etc. If a heading has a certain text characteristic or point size, then it is assigned a “heading style”. See columns 11-12.

With respect to claims 2, 4, 22 and 24, Appellant argues *Fein* does not suggest assigning an element solely on the basis of the position of words relative to their respective pages. Examiner respectfully disagrees. *Fein* teaches a system in which features used in determining appropriate styles for a paragraph comprising of words includes the placement of the paragraph in the document. Since *Fein*’s system takes into account the position of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word. Moreover, Appellant has not

pointed out in the specification where the feature of a “fixed position” is discussed. On page 4 of the specification, Applicant cites, “Each word on a page of a formatted document is characterized by a position of the word on the page”; however, there appears to be no indication of a “fixed position”. However, Examiner has interpreted the term as the position as indicated by indentation, position within a paragraph, or line number. Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, since Fein’s system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Furthermore it should be noted that the phrase “fixed positions of the words” is the paragraph defined by Fein.

Examiner also interprets “each word having a fixed position relative to one of the one or more pages” to be disclosed by Fein in his teachings above. Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein’s system takes into account the position and indentation of the

paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Furthermore it should be noted that the phrase “fixed positions of the words” is the paragraph defined by Fein.

With respect to claims 3 and 23, Appellant argues Fein does not teach assigning an element solely on the basis of font properties of words in two or more groups. Examiner respectfully disagrees. On pages 11-12, Fein teaches an appropriate style for a paragraph can be defined by determining whether the paragraph type is a header or body text, etc. If a heading has a certain text characteristic such as point size, then it is assigned a “heading style”, etc. Thus Fein does teach assigning an element solely based on font properties.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 2176

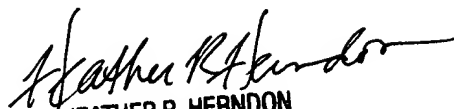
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Rachna Singh

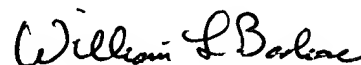
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